

# UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CIRINO COBOS-VIVEROS  
also known as Ciriuo Cobos-Viveros,  
and Cirino Cobos

CRIMINAL COMPLAINT

CASE NUMBER:

**08CR 0189**

MAGISTRATE JUDGE COLE

**KC FILED**  
FEB 28 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief. On or about February 11, 2008, in Geneva, Illinois, in the Northern District of Illinois, Eastern Division, CIRINO COBOS-VIVEROS, defendant herein,

being an alien, who previously had been deported and removed from the United States on or about September 26, 2003, was found in the United States without previously having obtained the express consent from the Secretary of the Department of Homeland Security, for reapplication by defendant for admission into the United States;

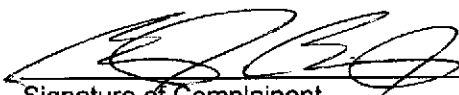
in violation of Title 8, United States Code, Sections 1326(a) and (b)(2); and Title 6, United States Code, Section 202(4). I further state that I am a Deportation Officer with the U.S. Immigration and Customs Enforcement ("ICE") and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

**FILED**

**FEB 28 2008**

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**

Enforcement

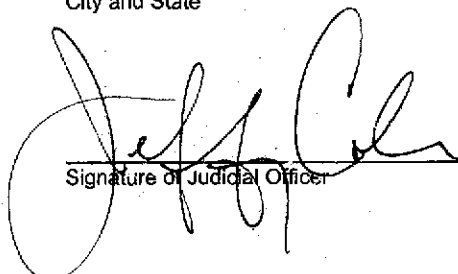
  
Signature of Complainant  
**BRANDON BEWICK**  
Deportation Officer, U.S. Immigration and Customs

Sworn to before me and subscribed in my presence,

February 28, 2008  
Date

at Chicago, Illinois  
City and State

**JEFFREY COLE, U.S. Magistrate Judge**  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF COOK        )       SS

AFFIDAVIT

I, Brandon Bewick, on oath state as follows:

1. I am a Deportation Officer with the United States Department of Homeland Security, Border and Transportation Security Directorate, U.S. Immigration and Customs Enforcement ("ICE"). I have been employed by this agency, or the legacy Immigration and Naturalization Service ("INS"), for more than five (5) years. I am currently assigned to the Chicago, Illinois ICE Office.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge, review of ICE records, and information provided by other law enforcement officers and witnesses.
3. The defendant, CIRINO COBOS-VIVEROS, is a citizen of Mexico who is not a legal permanent resident or a citizen of the United States.
4. I have reviewed the ICE service file for CIRINO COBOS-VIVEROS, alien registration number A78 296 033, and have learned that on April 16, 2000, in the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois, CIRINO COBOS-VIVEROS was convicted of one count of Attempted Home Invasion, in case number 00 CF 1334. COBOS-VIVEROS was sentenced to 4 years incarceration in the Illinois Department of Corrections. COBOS-VIVEROS used the name Cirino Cobos during the prosecution.

5. According to the ICE service file for COBOS-VIVEROS, COBOS-VIVEROS entered the United States illegally on or about April 1998 at or near Douglas, Arizona. COBOS-VIVEROS was deported from the United States to Mexico on or about April 5, 2002. Prior to COBOS-VIVEROS's deportation on April 5, 2002, COBOS-VIVEROS was served with Form I-294 (Notice of Court to which Deportation has been directed and Penalty for Reentry without Permission), which warned him of the criminal penalties for reentering the United States without permission of the Attorney General.

6. According to the ICE service file for COBOS-VIVEROS, COBOS-VIVEROS again entered the United States illegally on or about August 10, 2003, at or near Douglas, Arizona. According to the ICE service file for COBOS-VIVEROS, on or about September 26, 2003, COBOS-VIVEROS was again deported from the United States to Mexico. COBOS-VIVEROS used the name Ciriuo Cobos-Viveros during this deportation. Prior to COBOS-VIVEROS's deportation on September 26, 2003, COBOS-VIVEROS was again served with Form I-294 (Notice of Court to which Deportation has been directed and Penalty for Reentry without Permission), which warned him of the criminal penalties for reentering the United States without permission of the Security of the Department of Homeland Security of Homeland Security. COBOS-VIVEROS, however, entered the United States illegally in or about March 2007 at or near Tucson, Arizona.

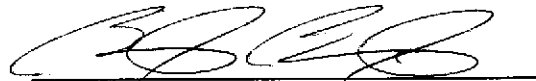
7. On February 11, 2008, I and other agents took COBOS-VIVEROS into administrative custody for immigration violations in Geneva, Illinois. On this date, I obtained fingerprints and photographs of COBOS-VIVEROS while COBOS-VIVEROS was being administratively processed for deportation.

8. I compared the photographs taken of COBOS-VIVEROS from the February 11, 2008, ICE arrest with the photographs taken from COBOS-VIVEROS's prior deportations on September 26, 2003, and April 4, 2002, and determined that the photographs relate to the same individual. Additionally, COBOS-VIVEROS's fingerprints were identified through Integrated Automated Fingerprint Identification System ("IAFIS") after being fingerprinted as a citizen of Mexico who has entered the United States illegally at or near Tucson, Arizona, on or about March 1, 2007.

9. I have reviewed the ICE service file for the defendant and there is no evidence that the defendant applied for permission of the Attorney General or Secretary of Homeland Security to reenter the United States and no evidence that the Attorney General or Secretary of Homeland Security granted the defendant permission to reenter the United States.

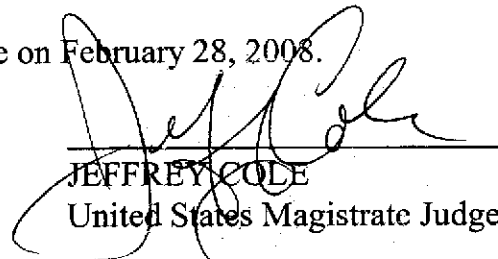
10. Based upon the foregoing, I submit that there is probable cause to believe that COBOS-VIVEROS is in the United States in violation of Title 8, United States Code, Sections 1326(a) and (b)(2), in that he reentered the United States without permission after being deported.

FURTHER AFFIANT SAYETH NOT.



BRANDON BEWICK  
Deportation Officer,  
U.S. Immigration and Customs  
Enforcement

SUBSCRIBED AND SWORN to before me on February 28, 2008.



JEFFREY COLE  
United States Magistrate Judge